



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/674,600

12/13/2000

Lorenz Camenzind

P/543-103

1539

2352

7590

02/27/2003

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

VERBITSKY, GAIL KAPLAN

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,600

Applicant(s)

Camenzind et al.

Examiner

Gail Verbitsky

Art Unit

2859



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 2, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27, 28-30 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27, 30 is/are rejected.
- 7) ☒ Claim(s) 28-29 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Dec. 02, 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2859

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Applicant uses “casing”, “covers”, “cover plates” and numerals “6” and “7” interchangeably. Does applicant means the same structure? Appropriate clarification is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Although applicant submitted amended Fig. 8a, the block 70 has not been shown on the copy received by the Examiner. Applicant is suggested to submit another copy. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 7, 11, 18 are objected to because of the following informalities:

Claim 7: “the display” in line 2 lacks antecedent basis, because the “display devices” and not the “display” has been claimed.

Claim 11: perhaps applicant should replace “pressure sensor” in line 1 with

Art Unit: 2859

--air pressure sensor--,

Claim 18: it appears that “casing” and “covers” are different structures. Thus, it is not clear what particular structure applicant claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 13-14, 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this case,

Claims 13-14: “an interface” makes the claim language confusing because it is not clear what structures the interface is connecting. Does applicant mean a device remote to the tool? Is this a proper interpretation of the invention?

Claim 16: “electronics” in line 2 makes the claim language confusing because it is not clear what applicant means. Does applicant means a microprocessor, a converter, or a different structure? Is this a proper interpretation? Clarification is required. Furthermore, please note that in the rejection on the merit, the examiner interpret the “electronics” as the microprocessor, converter, claimed by applicant in claim 2.

Art Unit: 2859

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 6, 8, 9, 12, 15-16, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stanfield et al. (U.S. 5545855) [hereinafter Stanfield].

Stanfield discloses a tool (scale) 10 comprising a weighting hook (mechanical hand tool) 18 integrally attached by a hook and loop connection to a measuring and displaying device A, a load cell (measuring sensor/ scale/ weighting cell responding to a pressure) 30, a keypad 19, an electronics comprising a memory (storage device) to store data, a signal conditioning block (converter) 51 for converting a signal (weight/ physical value) in an electrical signal understandable by a processor (microprocessor) 52 which converts the signal in an electronic signal displayed on the display in appropriate units (pounds) on an LCD 15. The electronics is mounted integrally (hook and loop connection) to the hand tool (hook) and can be released. The device can be on/ off. The device is operated by a power supply in a form of battery. (the numeral A has been added by the Examiner, see attachment to the Office Action).

With respect to the preamble of the claims: the preamble of the claim has not provided enough patentable weight because the court has held that a preamble is denied the effect of a

Art Unit: 2859

limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. Kropa v. Robie, 88 USPQ 478 (CCPA 1951).

8. Claims 1, 3, 5-6, 12-15, 18, 21, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Teare et al. (U.S. 5467656) [hereinafter Teare].

Teare discloses in Figs. 1-3 a multi functional tool having a mechanical hand tool integrally or releasably attached to the tool by a plug 24, wherein the tool having a measuring and displaying device 22 and an LCD, and measuring sensors (plurality of measuring devices). Measured value is stored in a memory 172. Since Teare also teaches that the data can be transmitted to an external computer (col. 6, lines 21-22), it is inherent, that there is an interface device which permits this transmission and a communication inherently can be wireless, cable or optical. The device has two casing parts containing the inside of the device wherein, inherently, transmission of current and exchange of data is provided between electronic devices (microprocessor, memory, converter, etc.). The device is powered by a battery.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2859

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2, 7-8, 13-14, 17-19, 22, 24, 27, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub in view of Hwang (U.S. 5883306).

Schaub discloses in Figs. 1-2 a multi functional tool (pocket knife) comprising tool hands 12, 13, at least two covers (modules), outer modules (casing) 23, 25 connected by connecting means (mechanical and electronic) 8, 11, 31, 35 and (pins) 36, 46, (tor), a measuring and displaying device 21, releasably arranged by snapping in and out, an LCD display 70, a memory module (storing means) to store measured data, an emergency transmitter module (sending member) 1, batteries, entry keys (menu device) 22, watch. Schaub states that the number of modules can be expanded depending on the number of measuring devices contained in the modules. Schaub does not explicitly describe a microprocessor and a converter, however, it is very well known in the art, that an electronic calculator comprises a converter and a microprocessor. Inherently, the device comprises an interface in order to transmit an emergency signal to a receiving remote station. Inherently, the device, and thus, the measuring and display device can be turned on/off.

Although, Schaub teaches sensors (col. 2, line 38), Schaub does not explicitly teach that the sensors measure a physical value and display said value on a measuring and displaying device.

Art Unit: 2859

Hwang discloses a multipurpose (multi functional) tool having measuring sensors, a measuring rod (hand tool) 51 and a measuring and display device to display a physical value (tire pressure) located in a main housing (casing). Hwang also discloses an illuminating unit comprising a light bulb (flash light) 71 capable of being on/off.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub, so as to measure and display a physical value, as taught by Hwang, in order to provide the operator with a plurality of necessary data about an object of interest.

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to add a flash light, as taught by Hwang, to the device disclosed by Schaub, so as to provide the operator with light which allows the operator to work in otherwise dark environment.

11. Claims 5, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Hwang as applied to claims 1-2, 7-8, 13-14, 17-19, 22, 24, 27, 30 above, and further in view of Vinci (U.S. 5875413).

Schaub and Hwang disclose the device as stated above in paragraph 10.

They do not disclose a menu, as stated in claim 5, and a pressure sensor, as stated in claim 11.

Art Unit: 2859

Vinci discloses in Fig. 1 a plurality of measuring devices (sensors) and a menu circuit for selecting the respective sensor/ mode of operation (col. 1, line 47) and thus, displaying said mode of operation or a respective physical value. Vinci also discloses a pressure sensitive (pressure sensor) switch 106 by pressing on which the operator can obtain/ choose from a menu a pressure measurement on a display 112.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a menu, as taught by Vinci, to the device disclosed by Schaub and Hwang, so as to allow the operator to make the preferred selection and make measurements needed to be done at the present time.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Hwang as applied to claims 1, 2, 7, 13-14, 17-19, 22, 24, 27, 30 above, and further in view of La Neve (U.S. 634719).

Schaub and Hwang disclose the device as stated above in paragraph 10.

They do not disclose the limitation of claim 10.

La Neve discloses a tool (arm 16 with a spatula 14) comprising a retractable temperature sensing awl 10 with a temperature feeler 58.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a temperature sensing awl, as taught by La Neve, to the device

Art Unit: 2859

disclosed by Schaub and Hwang, so as to make the device useful for a camping during a food preparation.

13. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanfield in view of Tymkewicz.

Stanfield discloses the device as stated above in paragraph 7.

Stanfield does not disclose the limitation of claim 25.

Tymkewicz teaches that the display turns off automatically after a period of time (col. 6, lines 61-64, col. 7, lines 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Stanfield, so as to turn the display off automatically after a period of time when the device is not used, in order to save life of battery.

14. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Hwang as applied to claims 1-2, 7-8, 13-14, 17-19, 22, 24, 27, 30 above, and further in view of Shimizu et al. (U.S. 5798964) [hereinafter Shimizu].

Schaub and Hwang disclose the device as stated above in paragraph 10.

They do not disclose the limitation of claim 23.

Shimizu teaches an access control circuit which prevents undesirable access to the memory when the power is initially on.

Art Unit: 2859

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add an access control circuit, as taught by Shimizu, to the device disclosed by Schaub and Hwang, so as to prevent undesirable access to the memory when the power is initially on. turn the display off automatically after a period of time when the device is not used, in order to allow the operator to use the data unavailable to others.

Allowable Subject Matter

15. Claims 28, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

15. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices.

17. Any inquiry concerning this communication should be directed to Examiner Verbitsky who can be reached at (703) 306-5473 Monday through Friday 7:30 to 4:00 ET.

Application/Control Number: 09/674,600

Page 11

Art Unit: 2859

Any inquiry of general nature should be directed to the Group Receptionist whose telephone number is (703) 308-0956.

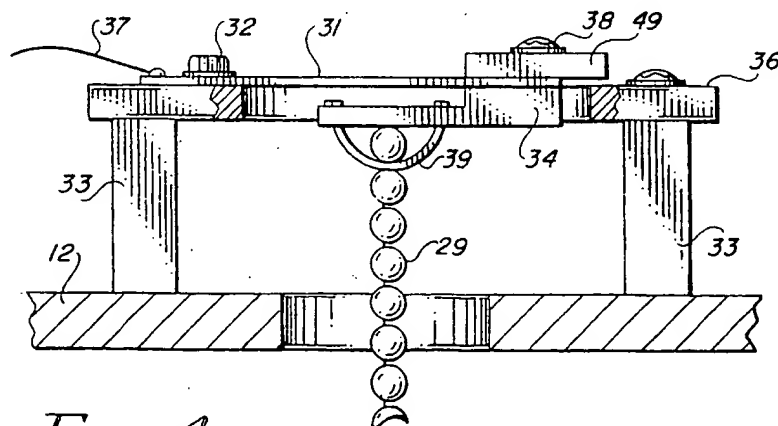
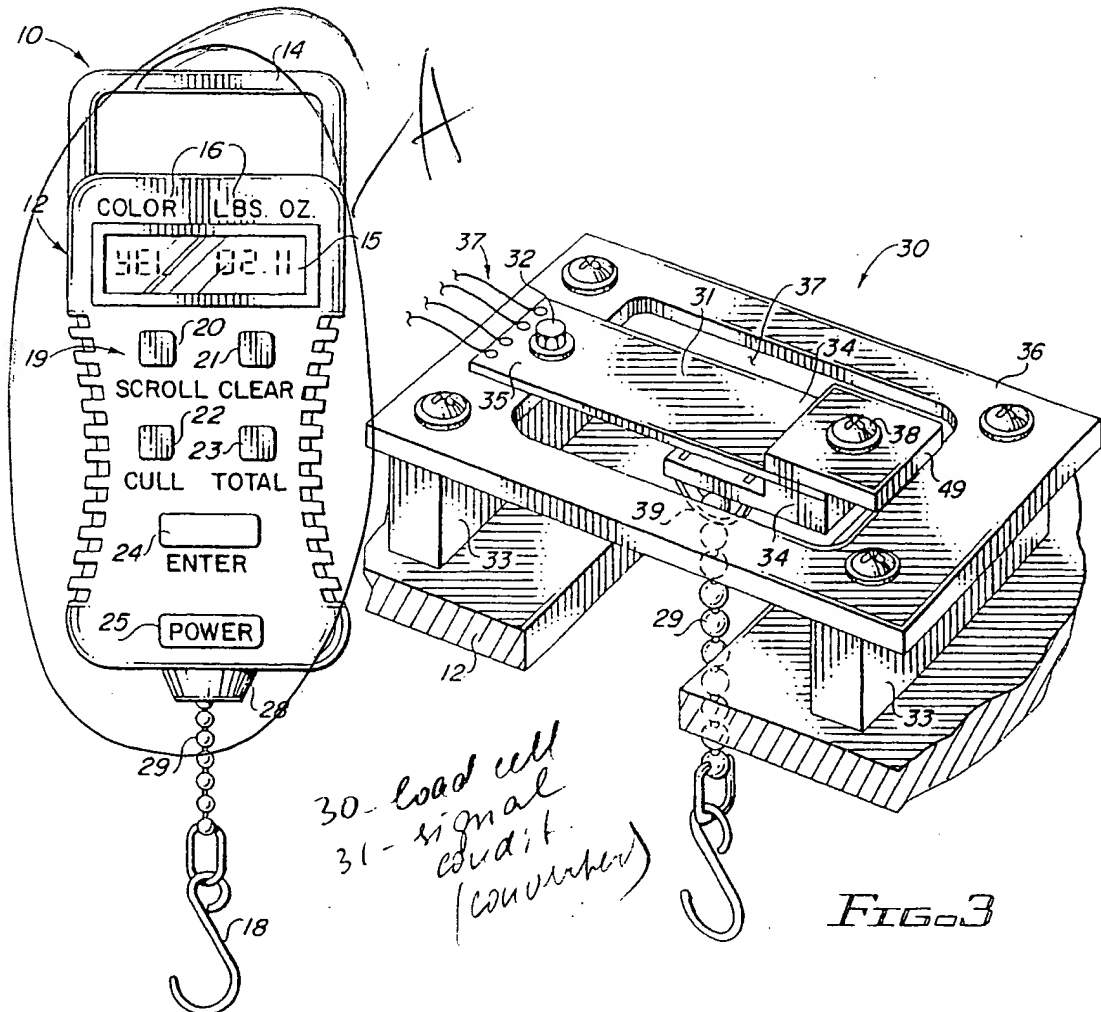
GKV

Gail Verbitsky



February 10, 2003

Patent Examiner, TC 2800



attenuation